

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CHARLES EVANS,)	CASE NO. 8:08CV313
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
)	
B. BRAUN, and K. LAMPERT,)	
)	
Defendants.)	

This matter is before the court on its own motion. The pretrial conference in this matter was held before Magistrate Judge Zwart on April 6, 2010. (Filing No. [20](#).) However, Plaintiff failed to appear. (Filing No. [23](#).)

On April 15, 2010, the court issued a Memorandum and Order directing Plaintiff to show cause why his claims should not be dismissed for want of prosecution. (*Id.* at CM/ECF p. 1.) In doing so, the court warned Plaintiff that his claims could be dismissed if he failed to respond by April 26, 2010. (*Id.*) A copy of the court's April 15, 2010, Memorandum and Order was mailed to Plaintiff at the address he provided. (*Id.*) On April 19, 2010, the copy was returned as undeliverable. (Filing No. [24](#).)

The court's April 26, 2010, deadline has now passed, yet Plaintiff has not updated his address nor responded to the court's April 15, 2010, Memorandum and Order. (See Docket Sheet.)

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders;
2. All pending Motions are denied as moot; and

3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 28th day of April, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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